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CHILD WELFARE IN PROGRESS

Information Guide To The Child Welfare Act

Unit I

Background Information

Philosophical Principles

Matters to be Considered

Major Innovations

Definitions

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December, 1986

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Jim Barnet - Writer, Human Resources of Canada.

Joyce Hanley - Training Officer, Training Resources Corporate Staff Development.

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PREAMBLE

Child Welfare is a complex field in which you, as a child welfare worker, have many important responsibilities. When exercising these responsibilities, the uniqueness of each situation requires your own professional judgement and common sense, rather than reliance on a set of prescribed directives. The nature of your work, therefore, can be challenging, rewarding, and, at times, frustrating.

On July 1, 1985 the Alberta Legislative Assembly proclaimed the current Child Welfare Act. This Act represents an attempt to clarify the government's role with respect to child welfare issues. It also reflects the principles of effective casework practice. In order to help you to understand the legislation, we have developed seven informational guides and four videotapes on the Act. Further information can be found in the Act itself and other supportive documents listed at the end of each section of the module. It is important that you familiarize yourself with the pertinent sections of the Act. This will help clarify your role and provide guidelines for decision making.

I am hopeful that these documents will help you in your endeavor to assist the children and families with which you work.

Sincerely,

Helen Wentz

Helen Wentz
Senior Director
Family and Children's Services
Alberta Social Services

HOW TO USE THIS MODULE

This module and others in the "Information Series" are meant to provide you with a quick overview of the Child Welfare Act. The modules can be used as an information source by themselves or used along with the 15-20 minute video-tapes that may be available to you.

The overall objective of these modules is to give you, the child welfare worker, an information guide which answers some of the questions you may have when carrying out your role.

The format of each module is:

1. A schematic of the series;

2. An outline of the information contained in the particular module;

3. Critical information highlighted (enclosed in boxes) in each section;

4. Questions, case studies and checklists that you can use to test yourself on the content of each section of the module; and

5. A reference list at the end of each section of the module.

THE INFORMATION GUIDE SERIES

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3. MATTERS TO BE CONSIDERED
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UNIT I

Your specific objective is to work through this module and complete the exercises without assistance. Should you have additional questions, please consult your supervisor.

SECTION 1

Background Information	This section briefly describes the historical events that led to the development of the Act.

SECTION 2

Philosophical Principles	This section outlines eight areas that provide a foundation from which Departmental services are developed and delivered.

SECTION 3

Matters to be Considered	In this section the philosophical principles are further operationalized.

SECTION 4

Major Innovations	This section includes ten major changes and additions to the previous legislation.

SECTION 5

Definitions	This section includes definitions of a child, a child in need, emotional and physical injury, sexual abuse, and definitions of a day as it pertains to court.

THE CHILD WELFARE ACT

On July 1, 1985, the Government of Alberta proclaimed a new Child Welfare Act.

SECTION 1: BACKGROUND INFORMATION

1. The former Child Welfare Act was proclaimed in 1965 with numerous amendments until 1978.

2. In 1983, the formation of a committee to draft the new Child welfare Act was announced.

3. The committee undertook a review of briefs and reports as well as representation by community agencies and other interested and concerned Albertans.

4. In November, 1983, the Government introduced a new Child Welfare Act in the form of Bill 105.

5. During the following two year period, Departmental Personnel addressed over 200 briefs and attended more than 100 meetings to hear the views and suggestions of persons interested in Alberta's Child Welfare system.

6. After this extensive consultation, Bill 35 was tabled in the legislature and received assent on May 31, 1984. The new Act was proclaimed on July 1, 1985.

SECTION II: PHILOSOPHICAL PRINCIPLES

While the purpose of the Child Welfare Act is the protection of children, it is widely recognized that beliefs about how this goal is best achieved have a marked impact on the types of services offered. Therefore, the following will describe the values and principles that underlie the intent of the Child Welfare Act and upon which Departmental services to children and families are developed and delivered.

Within the constraints of available resources, the following principles guide the Department's development and delivery of Social Services in Alberta.

1. Basic Human Rights

> The Department is committed to honouring and respecting human rights and fundamental freedoms and the dignity and worth of the person.

2. Personal Responsibility and Independence

> The Department believes that, while its services must be responsive to people's needs, services should not replace or interfere with the responsibility and initiative of individuals, families and communities to meet their own needs. To the greatest extent possible, services should develop and enhance independence; and should involve individuals, families and communities in the development and delivery of services which affect them. When services are provided, they should be delivered in a way which minimizes intrusion, disruption and restriction.

3. Pre-Eminence of the Family

> The Department believes that services should help maintain and support the family as a healthy functioning unit, and that most people are best cared for within the context of their family unit.

4. Prevention and Early Intervention

While recognizing the necessity of protection, crisis, treatment and rehabilitation services, the Department is also committed to providing a range of services which promote well being and prevent social problems.

5. Quality Services

The Department is committed to provision of quality services, and to ensuring that services:

- are available and accessible to all members of the service's target group within the scope of available resources;
- are coordinated within the Department and with other government and community resources;
- provide comprehensiveness and continuity of care;
- are appropriate to people's needs;
- encourage community resourcefulness, innovation and initiatives;
- are delivered by competent staff who are supported by effective administrative and supervisory practices and appropriate training and development opportunities.

6. Accountability

The Department is committed to ensuring that services are delivered in accordance with its stated mission and philosophical principles, and that mechanisms are in place to ensure accountability for delivery of efficient, effective and economical services - including definition of program and practice standards, monitoring and evaluation.

SECTION III: MATTERS TO BE CONSIDERED

While Philosophical Principles lend a base and a frame of reference from which to operate, there are "Matters to be Considered" that begin to erect a structure from the philosophical base.

It is essential that you, as a Child Welfare worker, fully understand Section 2 (entitled "Matters to be Considered") of the Child Welfare Act. Section 2 is a key part of the legislation because it outlines the values and principles upon which the legislation is based. Therefore, the intent of Section 2 must be incorporated into the planning and decision making that affects children who come to the attention of the Child Welfare system. Through understanding this part of the Child Welfare Act, you will be better positioned to coordinate the services you have to offer, with those of other professionals in the Department, Court and community.

In exercising any authority or making any decisions pursuant to this Act, the Court and all persons shall consider the following:

a. the family is the basic unit of society and its well-being should be supported and preserved;

(C.W.A. Section 2 (a))

Because of the importance that the family plays in the life of a child, there is a strong emphasis on maintaining the child within the family unit. Wherever possible, rather than remove the child from the home, supports are provided to the family either through private community agencies or directly through formal agreements between the family and the department. If the child must be removed from the home, every effort is made to quickly resolve the problem and place the child back in his/her family.

b. the interests of a child should be recognized and protected;

(C.W.A. Section 2 (b))

As a child welfare worker, your responsibility is to give priority to the protection of the child. All interactions and decisions must reflect the rights, welfare, and well-being of the child.

c. the family has the right to the least invasion of its privacy and interference with its freedom that is compatible with its own interest, the interest of the individual family members and society;

(C.W.A. Section 2 (c))

This matter reflects the philosophical principle regarding pre-eminence of the family. The family has the right to the least invasion of its privacy compatible with the protection of its children.

d. a child, if the child is capable of forming an opinion, is entitled to an opportunity to express that opinion on matters affecting the child and the child's opinion should be considered by those making decisions that affect the child;

(C.W.A. Section 2 (d))

This statement supports the basic human rights of any individual. As a child welfare worker, you are asked to give the same consideration to a child's expressed needs and opinions as you would to any adult.

Further, by considering the child's frame of reference in a case plan, you enhance its potential success.

e. the family is responsible for the care and supervision of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end

i. if protective services are necessary to assist the family in providing for the care of a child, those services should be supplied to the family insofar as it is reasonably practicable to do so in order to support the family unit and to prevent the need to remove the child from the family, and

ii. a child should be removed from the family only when other less intrusive measures are not sufficient to protect the survival, security or development of the child;

(C.W.A. Section 2 (e))

This sub-section of the Act emphasizes two points:

1. The family as a unit has primary responsibility for the care of its children, and

2. As a child welfare worker you must give consideration to all other alternatives before removal of the child from the family unit.

f. any decision concerning the removal of a child from the child's family should take into account

i. the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social and religious heritage,

ii. the benefits to the child of stability and continuity of care and relationships,

iii. the risks to the child if the child remains with the family, is removed from the family, or is returned to the family, and

iv. the merits of allowing the child to remain with the family compared to the merits of removing the child from the family;

(C.W.A. Section 2 (f))

This sub-section details the factors to be considered in removing a child from his family, e.g. cultural and religious, continuity of relationships and any other important factors as they apply to the short- and long-range needs of the child.

g. if it is not inconsistent with the protection of a child who may be in need of protective services, the child's family should be referred to community resources for services that would support and preserve the family and prevent the need for any other intervention under this Act;

(C.W.A. Section 2 (g))

Since the Act places a heavy emphasis on supporting the family structure and maintaining the child is his/her home community, local community resources should be effectively developed and utilized. This may mean referring the

family to a community agency, rather than having the Department become directly involved in the case.

> h. any decision concerning the placement of a child outside the child's family should take into account
>
> i. the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,
> ii. the benefits to the child of stability and continuity of care and relationships,
> iii. the benefits to the child of a placement within or as close as possible to the child's home community,
> iv. the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and
> v. whether or not the proposed placement is suitable for the child;
>
> (C.W.A. Section 2 (h))

In order to ensure that children and families receive the services that are appropriate to their individual needs, the legislation demonstrates a commitment, whenever possible, to recognizing the child's familial, cultural, social and religious heritage. This might mean, for example, using Native counselling agencies or Native schools when providing services to a Native child.

Department policy describes placement in the following order of priority:

Placement of Children Outside the Child's Family - Section 2(h)

When it is determined that children must be placed temporarily outside the family home, they must be placed in accordance with the following priorities in descending order:

1. placement with the child's extended family;
2. placement in the local community, settlement or home reserve or band;
3. placement in resources of the same linguistic background;
4. placement in resources of the same cultural and religious background;
5. placement in resources of other than the child's ethnic and cultural persuasion, but with persons who are willing and able to ensure the child will retain contact with persons of the same religious belief and cultural heritage of the child.

NOTE: Placements should facilitate keeping siblings together.

Should it not be possible to adhere to the preceding guidelines concerning placement, the child welfare worker shall document reasons in the case record.

Section 73 of the Act describes further conditions with specific regard to Native children which include or imply:

- an obligation for the child welfare worker to consult with the chief, band council or designate in specific circumstances, such as:
  - before entering into a permanent guardianship agreement, and
  - before applying for a supervision order or a temporary or permanent guardianship order.
- consideration of child's opinion in a culturally appropriate manner, e.g. communication patterns.
- the responsibility for individual workers to gain an awareness of native attitudes and customs, and to be aware that cultural values vary from one native community to another.
- consideration should be given to the utilization of services recommended by chief and council or band.

° obligation on the part of adoptive parents to inform the child in case of familial, social and religious heritage.

Section 2 (h) also emphasizes the need for selecting placements and developing programs for chlidren that address their intellectual needs, emotional needs and long term needs for permanency of relationships.

i. the provision of protective services is intended to remedy or alleviate the condition that caused the child to be in need of protective services; (C.W.A. Section 2 (i))

This sub-section emphasizes the need for focussing on the ultimate outcome of Departmental services. Successful resolution means that the child is no longer in need of protective services and Departmental involvement is no longer required.

j. if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources; (C.W.A. Section 2 (j))

The types of services available across the province vary in accordance with community needs and standards. The role of the child welfare worker may then differ depending upon the nature of the resources in their area.

k. if a child is being provided with care under this Act, a plan for the care of a child should be developed that will address the child's need for stability and continuity of care and relationships; (C.W.A. Section 2 (k))

Case planning is emphasized throughout the legislation. Effective casework practice is dependent upon a written case plan, based on a logical problem-solving process. Case plans represent both interim and long-range methods of effecting change. They should be used as a basis for all interventions as early as the investigation process, and must be

the basis for any intervention once it has been determined that a child is in need of protective services.

l.	a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage; (C.W.A. Section 2 (l))

This sub-section reinforces the necessity that all those providing care to the child take into account familial, cultural, social and religious factors important to each individual child. Caretakers include:

Child Welfare Workers
Foster Parents
Child Care Counsellors
Adoptive Parents

m.	there should be no unreasonable delay in making or implementing a decision affecting a child. (C.W.A. Section 2 (m))

This sub-section refers to the need for decisions to be made that acknowledge the child's sense of time and need for permanence and stability.

Exercise

1. The following are a few questions on the content you have covered - see how well you do. The answers follow.

	TRUE	FALSE
a. The principle of least intrusion suggests that child welfare workers' involvement with clients should only occur when there is a major protection concern.	____	____
b. Under the Child Welfare Act children should only be removed from the family after all other options have been tried	____	____
c. The opinion of a child does not need to be considered when making decisions that affect the child.	____	____
d. Once a Treaty Indian child is in Departmental custody all decisions are made by the Department and passed along to the Band Council.	____	____
e. Adoptive parents should inform a Native child about his/her cultural heritage.	____	____
f. Case plans are best left unwritten so that they can be flexible in their application to each individual circumstance.	____	____

2. The following are possible placement options to be considered by child welfare workers. List each option in order of priority by putting a number beside it, from 1 to 5 (1 is the highest priority ... 5 is the lowest).

Priority #

____ a. placement in homes other than the child's ethnic and cultural background.

____ b. placement with caretakers with the same linguistic, cultural or religious background.

____ c. placement with parent.

____ d. placement in culturally-appropriate receiving home.

____ e. placement with extended family.

Answers:

1. a. False. If a child welfare worker becomes involved before a crisis occurs, then the need for intrusive measures can be diminished. However, if a child welfare worker leaves a situation unattended until a crisis occurs, then the need for more intrusive measures may increase.

   b. False. Section 2 (e) of the Act requires that all less intrusive options be considered before removing a child from the family. The purpose of this is the selection of an intervention that meets the needs of the child. In some instances removal of the child may be the preferred option because the child's physical and emotional well being would be jeopardized if the child was allowed to remain in the home.

   c. False. The Act specifies that any child capable of forming an opinion must be given an opportunity to express his/her opinion and have it considered.

   d. False. The Band and Council should be consulted prior to any action taken that will affect the child, if the child lives on the reserve or, with the parent's permission, if the child is living off the reserve.

   e. True.

   f. False. Case plans must be written and well-documented. This ensures that objective outcomes and stated goals are reached.

2. a. priority #5
   b. priority #3
   c. priority #1
   d. priority #4
   e. priority #2

SECTION IV: MAJOR INNOVATIONS

This part of the manual provides an overview of the major changes and additions to previous legislation. They include:

1. Office of the Children's Guardian

Under the Act, the position of Children's Guardian has been established. The role is one of guardianship through decision-making, consenting, monitoring and advocating on behalf of children within the system. These duties are distinct from responsibilities for the provision of care, and the administrative aspects of the Act. The Children's Guardian delegates some of his authority to the Regional Children's Guardians and staff in the field, to ensure that the guardianship functions are effectively carried out across the Province.

2. Reporting and Investigating a Child in Need of Protection

To ensure that the Department intervenes in the affairs of families only when the survival, security or development of children is endangered, a clear definition of children to whom the Act applies is given. This definition, along with the opportunity for a director to set aside allegations of maltreatment which are unfounded or malicious, decreases the possibility of inappropriate intrusions into family life.

3. Case Planning

The Act reinforces the need for a case plan that is considered an integral part of the decision-making process. The case plan becomes a valuable document for planning, monitoring and evaluating the quality and type of care and services provided to the child and the child's family. The family is expected to participate in the development of the case plan.

4. Least Intrusive Measures

The Act allows for flexibility in adjusting the level of government intervention to protect the child, while at the same time considering the guardian's willingness and ability to participate in rehabilitative programs. It stresses the provision of support to families in their community. A director is provided with a continuum of options, ranging from referrals to community agencies to agreements and court orders. It must also be noted that least intrusiveness refers to the level of service to be provided, not whether a complaint is investigated.

5. Secure Treatment

The Act provides clear direction as to when a child may become the subject of a secure treatment certificate or order, and sets the condition that diagnostic and treatment services must be provided to children under orders and certificates. Time limitations, strict criteria, accountability to the courts, and reviews to extend or terminate orders, all provide children with due process and protection if their freedom is to be curtailed.

6. Joint and Private Guardianship

The Act provides the opportunity for individuals in the community who have a significant and continuing relationship with a child to participate with the Children's Guardian and share responsibilities for the child who is permanently in care. This is referred to as joint guardianship.

A simple and effective procedure is now available for the appointment of private guardians for a child. It allows private guardians to exercise sole guardianship authority for a child as an alternative to adoption or having the child remain in the long-term care of a director. Private guardianship allows for some ties to be maintained between the child and his/her natural parents, including the right of access and right of inheritance.

7. Adoptions

The Act provides for the development of a post-adoptive registry and outlines the conditions under which the identities of the adopted person, the birth parent(s) and adult siblings may be disclosed to those parties consenting to disclosure.

The Act permits the Minister, under specific conditions, to provide, monitor and review financial assistance to adoptive parents.

8. Appeals

The responsibility of a director to exercise the authority prescribed in this Act is balanced against a method of external appeal, to ensure that parties directly affected have recourse regarding certain decisions of a director. These include such areas as: removal and placement of children; opportunities for access to a child who is the subject of a permanent guardianship order or agreement; disclosure of information; refusal to enter into an agreement with a 16 or 17 year old child or in respect of a handicapped child; refusal or failure to enter into an agreement or apply for a court order where a child is in need of protective services; and the rejection of an application to become a foster parent or to become an adoptive parent.

The power of the Minister to appoint an appeal panel of persons external to the Department enhances the potential effectiveness of the appeal process for guardians of a child, the child, and other persons who have had continuous care of the child for at least six months. This ensures impartiality.

9. Indian Child Welfare

The Act provides for consultation between a chief and/or a band council and a director in matters pertaining to the entering of agreements or orders, when the child resides on a band or reserve. Consultation may also occur with the consent of the child's guardian if an Indian child is not a resident of the reserve, but a member of the band or council.

Recognition of Indian children's familial, cultural, social and religious heritage must be considered when child protection services are provided, and Indian children must be made aware of their status and rights by their caregivers.

10. Roles of Foster Parents

An appreciation of the strong contributions foster parents make to children in care of the department is reflected in the legislation. The potential involvement of foster parents in court proceedings and appeal panels are examples highlighting the importance of their role under the legislation.

Exercise

1. The four major roles of the Children's Guardian are: (check four)

___ advocating	___ consenting
___ monitoring	___ making arrests
___ apprehension	___ seeking temporary guardianship
___ decision-making	___ seeking supervision orders

2. The Child Welfare Act leaves the decision to develop a case plan or not to the individual child welfare worker. True _____ False _____

3. The Child Welfare Act provides the opportunity for individuals in the community who have significant relationships with a child permanently in care to share guardianship. This is called _____.

4. _____ allows guardians to exercise sole guardianship authority for a child as an alternative to adoption.

5. Any decisions of a director can be appealed to an appeal panel.
True _____ False _____

Answers:

1. Advocating, monitoring, consenting, and decision-making.

2. False. The Child Welfare Act specifically requires a case plan for provision of all services to children in need of protective services and/or their families.

3. Joint Guardianship.

4. Private Guardianship.

5. False. Only certain decisions of a director can be appealed.

SECTION V: DEFINITIONS

Section 1 of the Child Welfare Act contains the definitions upon which the legislation is based. Many of the actions that you will take under the legislation are dependent upon these definitions; therefore, it is important for you, as a child welfare worker, to clearly understand them. In this part of the manual, the key definitions that affect your role as a child welfare worker will be identified and discussed. In addition to the definitions in Section 1 of the Act, it is important to have an understanding of what the legal term "day" means in the legislation. The definition of a "day" will be explained in detail.

Definition of a Child

For the purpose of this Act, a child means a person under eighteen (18) years of age. Therefore, all actions commenced under this legislation must involve the care and protection of a child under the age of eighteen.

Child in Need

A child in need of protection is defined as a child whose survival, security or development is endangered. In sub-section 1(2) of the Act, these conditions are defined in more detail:

> 2 For the purposes of this Act, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:
>
> a. the child has been abandoned or lost;
> b. the guardian of the child is dead and the child has no other guardian;
> c. the guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;
> d. the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;
> e. the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;
> f. the child has been emotionally injured by the guardian of the child;
> g. the guardian of the child is unable or unwilling to protect the child from emotional injury;
> h. the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;
> i. the condition or behavior of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.
>
> (C.W.A. Section 1 (2))

It is important to note that truancy is not identified as a condition where protective services are required. In Alberta, truancy is covered under the Education Act, and therefore falls under the jurisdiction of the Department of Education. It is important to be aware; however, that a report of truancy may be symptomatic of other problems that may necessitate Departmental involvement.

Definition of Emotional and Physical Injury, and Sexual Abuse

Since a good number of child welfare interventions come under the area of emotional, physical and sexual abuse, these conditions in particular are further defined in the legislation.

Definition of emotional injury:

a. A child is emotionally injured:

> i. If there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioral disorder, including anxiety, depression, withdrawal, aggression or delayed development and:
>
> ii. there are reasonable and probable grounds to believe the emotional injury is the result of:
>
> A. rejection,
> B. deprivation of affection or cognitive stimulation,
> C. exposure to domestic violence or severe domestic disharmony,
> D. inappropriate criticism, threats, humiliation, accusations or expectations of or towards the child, or
> E. the mental or emotional condition of the guardian of the child or chronic alcohol or drug abuse by anyone living in the same residence as the child.
>
> (C.W.A. Section 1 (3) (a))

Definition of physical injury:

A child is physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bone injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth.

(C.W.A. Section 1 (3) (b))

Definition of sexual abuse:

A child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behavior.

(C.W.A. Section 1 (3) (c))

Definition of a Day

Throughout the legislation, the definition of a day varies. This is due, in part, to past legal interpretation, the nature of the action (e.g. degree of intrusiveness, whether or not the time period relates to a court hearing), and length of time in which a specific action is required (e.g. one day, forty-eight hours, one month). Where the activity is court-related, the following rules apply:

1. Section 19(1) - an apprehended child may be returned to his/her guardian within two calendar days following an apprehension

   °°° exclude the day of the apprehension.

2. Section 19(2) - a Court hearing following an apprehension must occur within 10 calendar days

   °°° include Saturday, Sunday and holidays, and the day of the hearing, but exclude the day of the apprehension.

3. Section 19(4) - a Court hearing following a demand notice must occur on the next working day following receipt of the demand notice

°°° exclude Saturday, Sunday or statutory holidays.

4. Section 20(3) - notice of a hearing for an order authorizing medical treatment must be heard not less than one calandar day from the day of the hearing.

°°° exclude the day notice is served and exclude the day of the hearing).

5. Section 20(7) - applications to show cause for confinement must occur on the next working day following the confinement.

°°° exclude Saturday, Sunday, or statutory holidays.

6. Section 21(2) - notice of an application for a supervision order or temporary or permanent guardianship order (other than under Section 19) shall be served not less than five calendar days prior to the hearing.

°°° exclude the day notice is served and exclude the day of the hearing.

7. Section 41(1) - a secure treatment certificate shall be for not more than five calendar days.

°°° 5 consecutive 24-hour periods commencing the day the child is confined.

8. Section 41(4) - a secure treatment certificate shall be served on a child <u>within</u> one calendar day after it is issued.

°°° exclude the day the certificate is issued.

9. Section 42(2) - notice of a secure treatment order hearing shall be two calendar days.

°°° exclude the day the notice is served and exclude the day of the hearing.

Exercise

In definitions of a child in need of protective services:

	TRUE	FALSE
1. Abuse must have occurred before any action can be taken under the Child Welfare Act.	____	____
2. A guardian is responsible for protecting the child.	____	____
3. A guardian may ignore a physician's recommendations to obtain needed medical treatment for a child.	____	____
4. Emotional injury is not included in the definition of a child in need of protective services.	____	____

Answers:

1. False. A child is in need of protection if their survival, security or development is endangered - Section 1(2) C.W.A.

2. True. Section 1(2)(c)

3. False. Section 1(2)(c)

4. False. The three common areas under which child welfare interventions occur are: physical abuse, emotional abuse and sexual abuse.

References

1. Alberta Social Services
Handbook - Child Welfare in Progress.
Tab 02 - "The Intent of the New Child Welfare Act"
Tab 03 - Pages 01 to 06
- Pages 96 to 97

2. Alberta Social Services
Program Manual - Child Welfare in Progress.
Chapter 4 - Page 23
Chapter 8 - Pages 59-62

3. Alberta Social Services
"Native Child Welfare Services Practice Guidelines".

4. Regional and District Office Materials
Your region or district office may have developed additional policies and material on this area. Please consult your supervisor to determine if there is any additional information available.

APPENDIX
ANALYSIS OF CASE EXAMPLES
FROM VIDEO #2
"DEFINITIONS AND PRINCIPLES"

On the following pages is an analysis of the three case examples presented at the end of the video entitled "Definitions and Matters to Be Considered". As is the situation with the other case studies presented in this workbook, the analysis represents an attempt to provide you with an outline of the factors affecting your decision and some possible courses of action.

There are no black and white solutions because there is a large variance in personalities and circumstances from case to case. Also in "real life" case decisions it is important to conference the case with your supervisor and other professionals prior to taking action (other than emergency actions).

Case Example #1

Assessment

There are no signs of neglect or abuse in this situation. The child appears to be well cared for and to have a good relationship with her mother. The information gathered from the school also supports this. In this case the problem appears to pertain to parental conflicts that have emanated from the recent divorce.

Investigation Outcomes

No further investigation or action is indicated, other than notifying the reporter of the decision.

Case Example #2

Assessment

In this case example the child may be receiving inadequate supervision. The drop in grades, complaints of poor diet and dress, and the long periods of time that the daughter spends at her friends house might be due to a low level of care and supervision.

The first question the worker would want to address is:

° did the mother make arrangements for her daughter to spend the evenings at her friends house and, if so, what arrangements did the mother make?

If the arrangements were made by the mother and the daughter was adequately supervised and cared for, then this is clearly not a case of a child in need of protection.

However, if the mother did not make appropriate after school arrangements for her daughter, then the worker must consider issues such as the following:

° is there grounds to believe that the mother has abandoned the child (section 1(a))?

° is there substantial risk of physical injury or sexual abuse (section 1(d))?

° is the guardian unable or unwilling to protect the child from emotional injury (section 1(f))?

If the answer is yes to any of the above then the child can be considered in need of protection under the child welfare act.

If, on the other hand, the mother is leaving the child unsupervised, but the child does not fall under the definitions of section 1 of the Child Welfare Act, as is likely the case in this situation, then a referral to a community resource under section 5 (1)(d) of the Act might be the best course of action. This might involve contacting an outreach agency that has community youth workers or referring the mother to a family service agency. The resource that you select would depend upon factors such as: the mother's motivation to use the resource and the type of resources available.

Investigation Outcomes

Option 1 - No further involvement if the mother has arranged for adequate supervision.

Option 2 - Further investigation, and possible direct intervention by the Department or referral to a community resource if the child was believed to be in need of protection as defined by section 1 of the Child Welfare Act.

Option 3 - Referral to a community resource, if the child was not in need of protection under section 1 of the Child Welfare Act, but family support was indicated. A request would also be made to the community resource that they contact the Department should any protection issues arise.

Case Example #3

Assessment

In this example the child's bruises, avoidance of physical contact, and withdrawn behaviors are possible indicator's of abuse. Also the mother's denial may indicate an unwillingness to protect the child from abuse in the future. Although further investigation and assessment of the situation is required (in order to determine the degree and nature of the abuse, and the mother's motivation to protect the daughter) the evidence at hand would indicate that the child may be in need of protection under section (1) subsection (2)(e) of the Child Welfare Act.

Investigation Outcomes

The case plan for the family must include:

- interviews with the child, her mother and her mother's partner in order to gather further information on the problem.
- a physical examination of the child by a medical doctor may be necessary.
- possible referral of the family to a community counselling agency.
- ongoing intervention by the Department to ensure the protection of the child.